

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

INVACARE CORPORATION, *et al.*,¹

Debtors.

)
) Chapter 11
)
) Case No. 23-90068 (CML)
)
) Jointly Administered
)

NOTICE OF FILING OF PLAN SUPPLEMENT

On March 30, 2023, United States Bankruptcy Court for the Southern District of Texas (the “Court”) entered an order [Docket No. 372] (the “Disclosure Statement Order”): (a) authorizing the above-captioned debtors and debtors in possession (collectively, the “Debtors”) to solicit acceptances for the *First Amended Joint Chapter 11 Plan of Invacare Corporation and Its Debtor Affiliates* (as modified, amended, or supplemented from time to time, the “Plan”);² (b) approving the *First Amended Disclosure Statement for the First Amended Joint Chapter 11 Plan of Invacare Corporation and Its Debtor Affiliates* (the “Disclosure Statement”) as containing “adequate information” pursuant to section 1125 of the Bankruptcy Code; (c) approving the solicitation materials and documents to be included in the solicitation packages; (d) approving procedures for soliciting, receiving, and tabulating votes on the Plan and for filing objections to the Plan; and (e) approving the Rights Offering Documents.

As contemplated by the Plan and the Disclosure Statement Order, attached is the Plan Supplement. The Plan Supplement contains current drafts of the following documents (which continue to be negotiated between the Debtors, the Consenting Stakeholders, and other interested parties, and will be filed in substantially final form on or prior to the Effective Date), as may be modified, amended, or supplemented from time to time:

- (a) the New Organizational Documents;
- (b) to the extent known, the identities of the members of the New Board;
- (c) to the extent known, the identity of the Litigation Trustee;
- (d) the Assumed Executory Contracts and Unexpired Leases Schedule;
- (e) the Exit Term Loan Agreements;
- (f) Term Sheet of the Exit ABL Agreement and Exit ABL Facility Documents (in each case, if applicable);
- (g) the Exit Secured Convertible Notes Indenture;
- (h) the Rejected Executory Contracts and Unexpired Leases Schedule;
- (i) the Schedule of Retained Causes of Action;
- (j) the Restructuring Transactions Memorandum;

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Invacare Corporation (0965); Freedom Designs, Inc. (4857); and Adaptive Switch Laboratories, Inc. (6470). The corporate headquarters and the mailing address for the Debtors is 1 Invacare Way, Elyria, Ohio 44035.

² Capitalized terms not otherwise defined herein have the same meanings as set forth in the Plan.

- (k) the Management Incentive Plan;
- (l) the Employment Agreements; and
- (m) the Litigation Trust Agreement.

The Debtors shall have the right to alter, amend, modify, or supplement the documents contained in the Plan Supplement up to the Effective Date as set forth in the Plan.

The hearing at which the Court will consider Confirmation of the Plan (the “Confirmation Hearing”) will commence on **April 28, 2023, at 10:30 a.m.**, prevailing Central Time, before the Honorable Christopher M. Lopez, in the United States Bankruptcy Court for the Southern District of Texas, located at 515 Rusk Street, Courtroom 404, Houston, Texas, 77002.

The deadline for filing objections to the Plan is **April 24, 2023, at 5:00 p.m.**, prevailing Central Time (the “Plan Objection Deadline”). Any objection to the Plan *must*: (a) be in writing; (b) conform to the Bankruptcy Rules, the Local Rules, and any orders of the Court; (c) state, with particularity, the basis and nature of any objection to the Plan and, if practicable, a proposed modification to the Plan that would resolve such objection; and (d) be filed with the Court so as to be *actually received* on or before the Plan Objection Deadline.

Certain documents, or portions thereof, contained in the plan Supplement remain subject to ongoing review, revision and further negotiation among the Debtors and interested parties with respect thereto. The Debtors reserve all rights, with the consent of any applicable interested parties to the extent required under the Plan and/or the Restructuring Support Agreement, to alter, amend, modify, or supplement the Plan Supplement and any of the documents contained therein at any time in accordance with the terms of the Plan and the Restructuring Support Agreement; *provided* that if any document in this Plan Supplement is altered, amended, modified, or supplemented in any material respect prior to the Confirmation Hearing, the Debtors will file a redline of such document with the Court.

If you would like to obtain a copy of the Disclosure Statement, the Plan, the Plan Supplement, or related documents, you should contact the Debtors’ Claims, Noticing, and Solicitation Agent, by: (a) visiting the Debtors’ restructuring website at <https://dm.epiq11.com/case/invacare/>, (b) emailing invacareinfo@epiqglobal.com and referencing “Invacare” in the subject line, or (c) (855) 795-2124 (U.S. toll free) or +1 (503) 974-1666 (international) and requesting to speak with a member of the solicitation team. You may also obtain copies of any pleadings filed in these chapter 11 cases for free at <https://dm.epiq11.com/case/invacare/> or for a fee via PACER at: <http://www.tx.uscourts.gov>.

ARTICLE VIII OF THE PLAN CONTAINS RELEASE, EXCULPATION, AND INJUNCTION PROVISIONS, AND **ARTICLE VIII.D CONTAINS A THIRD-PARTY RELEASE**. THUS, YOU ARE ADVISED TO REVIEW AND CONSIDER THE PLAN CAREFULLY BECAUSE YOUR RIGHTS MIGHT BE AFFECTED THEREUNDER.

THIS NOTICE IS BEING SENT TO YOU FOR INFORMATIONAL PURPOSES ONLY. IF YOU HAVE QUESTIONS WITH RESPECT TO YOUR RIGHTS UNDER

**THE PLAN OR ABOUT ANYTHING STATED HEREIN OR IF YOU WOULD
LIKE TO OBTAIN ADDITIONAL INFORMATION, CONTACT THE CLAIMS,
NOTICING, AND SOLICITATION AGENT.**

Houston, Texas

Dated: April 17, 2023

/s/ Matthew D. Cavanaugh

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